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## 401 Patent Office Cannot Aid in Selection of Attorney [R-24]

*Rule 31. Applicants May Be Represented by an Attorney or Agent. An applicant for patent may file and*

prosecute his own case, or he may be represented by an attorney or agent authorized to practice before the Patent Office in patent cases. The Patent Office cannot aid in the selection of an attorney or agent.

If patentable subject matter appears to be disclosed in a pro se application and it is apparent that the applicant is unfamiliar with the proper preparation and prosecution of patent applications, the examiner may suggest to the applicant that it may be desirable to employ a registered patent attorney or agent. The following language is suggested for incorporation in an Office action:

[1] "Since the value of a patent is largely dependent upon the skillful preparation of the specification and claims, applicant may consider it desirable to employ the services of a registered patent attorney or agent. The Patent Office cannot aid in the selection of an attorney or agent."

## 402 Power of Attorney [R-37]

*Rule 34. Recognition for representation.* (a) When a registered attorney or agent acting in a representative capacity appears in person or signs a paper in practice before the Patent Office in a patent case, his personal appearance or signature shall constitute a representation to the Patent Office that, under the provisions of these rules and the law, he is authorized to represent the particular party in whose behalf he acts. In filing such a paper, the attorney or agent should specify his registration number with his signature. Further proof of authority to act in a representative capacity may be required.

(b) When an attorney or agent shall have filed his power of attorney, or authorization, duly executed by the person or persons entitled to prosecute the application, he is a principal attorney of record in the case. A principal attorney or agent so appointed, may appoint an associate attorney or agent who shall also then be of record.

The Patent Office will continue to give effect to powers of attorney and authorizations of agent naming firms filed, with respect to patent applications, before the effective date of the rules, July 2, 1971 and in all divisions and continuations thereof not requiring execution by the applicant. Powers of attorney or authorizations of agent naming firms of attorneys or